

## Calendar No. 1024

110TH CONGRESS  
2D SESSION**H. R. 3490**

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2008

Received; read twice and referred to the Committee on Energy and Natural  
Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with amendments

[Omit the part struck through and insert the part printed in italic]

**AN ACT**

To transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tuolumne Me-Wuk  
5 Land Transfer Act of 2008”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Tuolumne Band of Me-Wuk Indians of  
4 the Tuolumne Rancheria, California (referred to in  
5 this Act as the “Tribe”), is a federally recognized  
6 Indian tribe;

7 (2) 3 tracts of Federal lands managed by the  
8 Bureau of Land Management are adjacent to the  
9 Tuolumne Rancheria of California, a federally recog-  
10 nized Indian Reservation held in trust for the benefit  
11 of the Tribe;

12 (3) one such tract is a cemetery within which  
13 are buried the remains of ancestors of the Tribe and  
14 other Indians;

15 (4) another such tract is needed for use by the  
16 Tribe for a cultural center and other public uses of  
17 the Tribe;

18 (5) the remaining tract is needed for use by the  
19 Tribe for agricultural, housing, and open space  
20 needs;

21 (6) none of the foregoing 3 tracts are to be  
22 used by the Tribe for gaming purposes;

23 (7) certain parcels of lands adjacent to the  
24 Tuolumne Rancheria were taken into trust for the  
25 benefit of the Tribe; and

1           (8) 2 parcels of fee lands owned by the Tribe  
 2           and adjacent to the Tuolumne Rancheria, commonly  
 3           referred to as the “Thomas and Coenenburg prop-  
 4           erties”, have been approved and are pending trans-  
 5           fer into trust status by the Bureau of Indian Affairs  
 6           for the benefit of the Tribe.

7   **SEC. 3. LANDS TO BE TAKEN INTO TRUST.**

8   **SEC. 2. LAND TO BE TAKEN INTO TRUST.**

9           (a) IN GENERAL.—

10           (1) FEDERAL LANDS.—Subject to valid existing  
 11           rights, all right, title, and interest (including im-  
 12           provements and appurtenances) of the United States  
 13           in and to the Federal lands described in subsection  
 14           (b), immediately after the Secretary of the Interior  
 15           has confirmed that the National Environmental Pol-  
 16           icy Act of 1969 has been complied with regarding  
 17           the trust acquisition of those Federal lands, the (b),  
 18           the Federal lands shall be declared to be held in  
 19           trust by the United States for the benefit of the  
 20           Tribe for nongaming purposes, and shall be subject  
 21           to the same terms and conditions as those lands de-  
 22           scribed in the California Indian Land Transfer Act  
 23           of 2000 (title IX, Public Law 106–568; 114 Stat.  
 24           2868, 2921). in the California Indian Land Transfer  
 25           Act (Public Law 106–568; 114 Stat. 2921).

1           (2) TRUST LANDS.—Lands described in sub-  
 2           section (c) of this section that are taken or to be  
 3           taken in trust by the United States for the benefit  
 4           of the Tribe shall be subject to subsection (c) of sec-  
 5           tion 903 of the California Indian Land Transfer Act  
 6           of 2000 (*Public Law 106–568; 114 Stat. 2921*).

7           (b) FEDERAL LANDS DESCRIBED.—The Federal  
 8           lands described in this subsection, comprising approxi-  
 9           mately 66 acres, are as follows:

10           (1) Township 1 North, Range 16 East, Section  
 11           6, Lots 10 and 12, MDM, containing 50.24 acres  
 12           more or less.

13           (2) Township 1 North, Range 16 East, Section  
 14           5, Lot 16, MDM, containing 15.35 acres more or  
 15           less.

16           (3) Township 2 North, Range 16 East, Section  
 17           32, Indian Cemetery Reservation within Lot 22,  
 18           MDM, containing 0.4 acres more or less.

19           (c) TRUST LANDS DESCRIBED.—The trust lands de-  
 20           scribed in this subsection, comprising approximately 357  
 21           acres, are commonly referred to as follows:

22           (1) Thomas property, pending trust acquisition,  
 23           104.50 acres.

24           (2) Coenenburg property, pending trust acquisi-  
 25           tion, 192.70 acres, subject to existing easements of

1 record, including but not limited to a non-exclusive  
2 easement for ingress and egress for the benefit of  
3 adjoining property as conveyed by Easement Deed  
4 recorded July 13, 1984, in Volume 755, Pages 189  
5 to 192, and as further defined by Stipulation and  
6 Judgment entered by Tuolumne County Superior  
7 Court on September 2, 1983, and recorded June 4,  
8 1984, in Volume 751, Pages 61 to 67.

9 (3) Assessor Parcel No. 620505300, 1.5 acres,  
10 trust land.

11 (4) Assessor Parcel No. 620505400, 19.23  
12 acres, trust land.

13 (5) Assessor Parcel No. 620505600, 3.46 acres,  
14 trust land.

15 (6) Assessor Parcel No. 620505700, 7.44 acres,  
16 trust land.

17 (7) Assessor Parcel No. 620401700, 0.8 acres,  
18 trust land.

19 (8) A portion of Assessor Parcel No.  
20 620500200, 2.5 acres, trust land.

21 (9) Assessor Parcel No. 620506200, 24.87  
22 acres, trust land.

23 (d) SURVEY.—As soon as practicable after the date  
24 of the enactment of this Act, the Office of Cadastral Sur-  
25 vey of the Bureau of Land Management shall complete

1 fieldwork required for a survey of the lands described in  
2 subsections (b) and (c) for the purpose of incorporating  
3 those lands within the boundaries of the Tuolumne  
4 Rancheria. Not later than 90 days after that fieldwork is  
5 completed, that office shall complete the survey.

6 (e) LEGAL DESCRIPTIONS.—

7 (1) PUBLICATION.—On approval by the Com-  
8 munity Council of the Tribe of the survey completed  
9 under subsection (d), the Secretary of the Interior  
10 shall publish in the Federal Register—

11 (A) a legal description of the new bound-  
12 ary lines of the Tuolumne Rancheria; and

13 (B) a legal description of the land surveyed  
14 under subsection (d).

15 (2) EFFECT.—Beginning on the date on which  
16 the legal descriptions are published under paragraph  
17 (1), such legal descriptions shall be the official legal  
18 descriptions of those boundary lines of the Tuolumne  
19 Rancheria and the lands surveyed.



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